HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.24542 of 2001

Dated 3rd day of October, 2007

Between:

Vallepu Ramanaiah .. Petitioner

And

The Executive Engineer,
Irrigation, South Central Division,
Irrigation Circle, Nellore
and two others .. Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents in seeking to demolish the siphon existing underneath Tirumalammapalem and Venkatareddypalem Channels near a Dam, which divides Molakalapudi village and is meant for irrigation of the wet lands in S.Nos.1761 to 1797 situated in Molakalapudi, as arbitrary and illegal.

According to the learned counsel for the petitioner, there was a threat by the respondents of removing the siphon i.e. the pipe underneath the existing channels and on the right side of II-A main channel, which was constructed some 30 years prior to filing this writ petition.

The respondents filed a counter affidavit wherein it is clearly stated that at no point of time, they tried to remove the siphon nor was there any proposal to do so. The learned Government Pleader for Irrigation has submitted that it is only on a mere apprehension that the respondents will demolish the siphon, the petitioner has filed this writ petition.

Recording the averment made in the counter affidavit and also the submission made by the learned Government Pleader, this Court is of the view that there is absolutely no threat of demolition of the siphon.

Hence, this writ petition is devoid of merits and is accordingly dismissed. No costs.

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03.10.2007

bcj